

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANTHONY BRIAN MALLGREN,

Plaintiff,

-against-

NEW YORK STATE; MARIA DiBIASE; NEW  
YORK STATE DEPARTMENT OF  
EDUCATION,

Defendants.

25-CV-1991 (LTS)

ORDER OF DISMISSAL  
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

In an order dated May 4, 2016, the court barred Plaintiff from filing any future civil action in this court *in forma pauperis* (“IFP”) without first obtaining the court’s leave to file. *Mallgren v. United States*, ECF 1:14-CV-1420, 6 (S.D.N.Y. May 4, 2016). The court issued that filing injunction because of Plaintiff’s history of frivolous, vexatious, or otherwise nonmeritorious litigation in this court and in other federal courts. *See Mallgren*, ECF 1:14-CV-1420, 5 (S.D.N.Y. Nov. 24, 2015) (order recounting Plaintiff’s litigation history and directing Plaintiff to show cause why the court should not impose the abovementioned filing injunction).

Plaintiff submits this new civil action without seeking leave to proceed IFP or requesting leave of court to file this action. Because Plaintiff did not pay the fees to initiate this action, the Court assumes he seeks to proceed IFP. As Plaintiff did not obtain leave of court to file this new action, the Court dismisses this action because Plaintiff did not comply with the bar order issued in *Mallgren*, No. 14-CV-1420.

**CONCLUSION**

The Court dismisses the action without prejudice for failure to comply with the injunction set forth in *Mallgren v. United States*, ECF 1:14-CV-1420, 6 (S.D.N.Y. May 4, 2016), requiring Plaintiff to obtain leave of court to file a new civil action IFP.

Plaintiff remains subject to the abovementioned filing injunction.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter a civil judgment in this case.

SO ORDERED.

Dated: March 21, 2025  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge